

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 21-00115-01-CR-W-HFS
	)	
WENDELL TIALLO CLEMONS,	)	
	)	
Defendant.	)	

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

**PENDING CHARGE:** On May 20, 2021, the Grand Jury returned a two-count Indictment charging Defendant Wendell Tiallo Clemons with forcibly resisting a federal law enforcement officer (Count One) and being a felon in possession of a firearm (Count Two).

The following matters were discussed and action taken during the pretrial conference:

**TRIAL COUNSEL:**

Government: Joseph M. Marquez

Case Agent: Lieutenant Gary Cross, VA Police Department

Defense: Arimeta R. DuPree and Stephanie Burton

**OUTSTANDING MOTIONS:** Objections to the Report and Recommendation (Doc. #51) were filed on March 30, 2022. (Doc. #62.) The United States' Response was filed on April 13, 2022. (Doc. #63.)

10/19/2021	<a href="#">view34</a>	MOTION to suppress results of vehicle search by Wendell Tiallo Clemons. Suggestions in opposition/response due by 11/2/2021 unless otherwise directed by the court. (Francis, Jane) (Entered: 10/19/2021)
02/09/2022	<a href="#">view51</a>	REPORT AND RECOMMENDATION as to Wendell Tiallo Clemons re <a href="#">34</a> Motion to Suppress. Objections to R&R due by 2/23/2022. Signed on 2/9/2022 by Magistrate Judge Sarah W. Hays. (Bliss, Sue) (Entered: 02/09/2022)

**TRIAL WITNESSES:**

Government: 5-6 with stipulations; 6-7 without stipulations

Defendant: 3 witnesses, including the Defendant

**TRIAL EXHIBITS:**

Government: approximately 15 exhibits

Defendant: approximately 10 exhibits

**DEFENSES:** General denial

**POSSIBLE DISPOSITION:**

(X) Definitely for trial; ( ) Possibly for trial; ( ) Likely a plea will be worked out

**TRIAL TIME: 2 days total**

Government's case including jury selection: 1 ½ day(s)

Defendant: ½ day(s)

**STIPULATIONS:** None at this time. Possible stipulation as to nexus of the firearm.

**UNUSUAL QUESTIONS OF LAW:** None

**FILING DEADLINES:**

**Witness and Exhibit List**

Government: None filed. **Due on or before September 13, 2022.**

Defendant: None filed. **Due on or before September 13, 2022.**

**Counsel are requested to list witnesses in alphabetical order on their witness list.**

**Exhibit Index, if required by the District Court, Voir Dire, Jury Instructions: Due on or before September 21, 2022.**

**Please Note:** Jury instructions must comply with Local Rule 51.1

**Motion in Limine: Due on or before September 21, 2022.**

**TRIAL SETTING:** Criminal jury trial docket set for September 26, 2022.

**Please note:** The Government may be requesting a continuance as their case agent is currently deployed. They will try to proceed without the case agent. Defense counsel requests the second week of the docket (October 3, 2022).

**IT IS SO ORDERED**

*/s/ Lajuana M. Counts*

LAJUANA M. COUNTS

UNITED STATES MAGISTRATE JUDGE